

Clerk's Office

United States Court of Appeals

For the Fourth Circuit

MAURICE S. DEAN
CLERK

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February 6, 1967

Note 17
Mr. E. Barrett Prettyman, Jr.
Mr. Paul R. Connolly
815 Connecticut Avenue
Washington, D. C.

No. 11,195, Erik Heine, Appellant, vs.
Juri Raus, Appellee.

Gentlemen:

I received from the clerk of the United States District Court at Baltimore, Maryland, the record on appeal in the above-entitled case, and I have today filed the record and docketed the appeal.

I am enclosing order of appearance to be executed on behalf of the appellee, which you will please sign and return.

It cannot be determined at this time the term at which the case will be set down for argument. When that time is determined, counsel will be advised amply in advance.

Under Rule 10 of this Court, the record will not have to be printed. It is suggested that you carefully read this rule.

Pursuant to the rules twenty-five copies of the appellant's printed brief and appendix shall be filed in this office on or before March 8, 1967, and twenty-five copies of the appellee's printed brief and appendix shall be filed in this office on or before April 7, 1967.

STAT

Approved For Release 2005/01/27 : CIA-RDP75-00770R000100070003-4

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The rules provide that on or before the day upon which any brief is filed in this office, the party on whose behalf the brief is filed or his counsel shall cause three copies of the brief to be served personally or by mail upon counsel of record, if any, for each adverse party, and, if none, upon the adverse parties.

It is suggested that you file your brief and appendix within the time provided. I have been directed to advise counsel that briefs are expected to be filed on time and that no extensions will be granted.

In printing briefs and appendices strict compliance with the rules is required.

Very truly yours,

Maurice S. Dean
Maurice S. Dean,
Clerk

MSD/ma
Enclosure:

RECORD ON APPEAL

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

NO. _____

EERIK HEINE,

Appellant,

versus

JURI RAUS,

Appellee.

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND, AT BALTIMORE

CIVIL

RECORD ON APPEAL FILED:

RECORD ON APPEAL

UNITED STATES OF AMERICA,

DISTRICT OF MARYLAND, to wit:

AT A UNITED STATES COURT FOR THE DISTRICT
OF MARYLAND, BEGUN AND HELD AT THE CITY OF BALTIMORE
ON THE NINTH DAY OF DECEMBER, IN THE YEAR OF OUR LORD
ONE THOUSAND, NINE HUNDRED SIXTY-SIX.

PRESENT: THE HONORABLE ROSZEL C. THOMSEN,
CHIEF JUDGE, MARYLAND DISTRICT;

THOMAS J. KENNEY, ESQUIRE, ATTORNEY;

FRANK UDOPP, ESQUIRE, MARSHAL;

WILFRED W. BUTSCHKY, ESQUIRE, CLERK.

Among other were the following proceedings, to wit:

Erik Heine	:	
	:	
vs.	:	No. 15952 Civil Docket
	:	
Juri Raus	:	

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15952

Instituted 6th November, 1964

TITLE OF CASE

ATTORNEYS

ERIK HEINE

VS.

JURI RAUS

For Plaintiff:

- Ernest C. Raskauskas
- Robt. J. Stanford (Wash.D.C.)

note change of address, letter 4/2/65
For Defendant:

- Paul R. Connolly
- E. Barrett Prettyman, Jr.

James J. Kennedy
 Kevin Mawley - A.S. Officer
 Lawrence Holtzow - S.S.

Basis of action: Slander

Jury trial claimed by Plaintiff
on 6th November, 1964.

DATE	PLAINTIFF'S ACCOUNT	RECEIVED	DISBURSED	DATE	DEFENDANT'S ACCOUNT	RECEIVED	DISBURSED
11/6/64	Ernest C. Raskauskas filing fee	15 00					
" 9, "	Tr.U.S.-Clerk's fee		15 00				
12-29-66	Robert J. Stanford, filing fee, Notice of Appeal	5 00					
"-30- "	Tr.U.S.-Clerk's fee,		5 00				

ABSTRACT OF COSTS

RECEIPTS, REMARKS, ETC.

TO WHOM DUE	AMOUNT	
PLAINTIFF: Attorney	20 00	
Marshal	19 80	pd.
Clerk	15 00	54.80
FENDANT: Attorney	20 00	20.00
	\$.74.80 s/r	
	12/15/66P.	

Out per W.W.B APR 2 1965
 See letter passed
 May 13 1966
 Sept. 28, 1966 - motions

DATE 1964	FILINGS—PROCEEDINGS	AMOUNT REPORTED IN EMOLUMENT RETURNS
Nov. 6	(1) Complaint and Demand for Jury Trial, filed.	
" " 1965.	(2) Summons Issued. (Summoned 14th December, 1964)	
Jan. 8	(3) Answer, filed.	
" "	(4) Notice of Defendant to take deposition of Plaintiff, filed.	
" 14	(5) Motion of Plaintiff that Deposition of Plaintiff be taken on written interrogatories, or in the alternative, that Defendant be ordered to pay expenses, and Grounds in support thereof, filed.	
" 19	(6) Defendant's Memorandum of Points and Authorities in opposition to Plaintiff's Motion that Deposition be taken on written Interrogatories, or in alternative, that defendant be ordered to pay Plaintiff's travel and Lodging expenses for oral deposition, filed.	
Feb. 1	(7) Stipulation of counsel changing date from taking Deposition of Plaintiff; withdrawing Plaintiff's Motion that deposition be taken on written interrogatories, etc., filed.	
Mar. 3	(8) Appearance of Robert J. Stanford, Esquire, as co-counsel for Plaintiff, filed.	
Apr. 26	(9) Deposition of Eerik Heine taken on behalf of Defendant, filed. (4-Volumes-Filed Separately)	
Nov. 22	(10) Interrogatories of Plaintiff propounded to Defendant, filed.	
1966		
Jan. 12	(11) Motion of Defendant to Strike Plaintiff's Interrogatories, filed.	
" "	(12) Motion of Defendant for Summary Judgment, Affidavit and Memorandum of Points and Authorities in support of motion, filed.	
Feb. 24	(13) Memorandum of Plaintiff and Points and Authorities in opposition to Defendant's Motion for Summary Judgment, filed.	
" "	(14) Plaintiff's Points and Authorities in opposition to Defendant's motion to strike interrogatories, filed.	
March 11	-- Hearing on Motion of Defendant to Strike Plaintiff's Interrogatories and Plaintiff's points and authorities in opposition thereto; and Motion of Defendant for Summary Judgment and opposition of Plaintiff thereto, before Thomsen, C. J.	
" "	-- Argued and held sub-curia.	
Mar. 21	(15) Motion of Defendant to Amend Answer, Memorandum in Support thereof; and Order of Court (Thomsen, C. J.) granting leave as prayed, filed.	

D.C. 110A Rev. Civil Docket Continuation

DATE 1966	PROCEEDINGS
Mar. 30	(16) Notice of Plaintiff of taking Deposition of Defendant, filed.
Apr. 1	(17) Motion of Plaintiff to strike Defendant's Motion to amend Answer, Authorities in support thereof, and opposition to Request for additional hearing, affidavit, and Exhibit A, filed.
" 4	(18) Affidavit of Richard Helms, and attachments, filed on behalf of Defendant, filed.
" 12	(19) Motion of Defendant for Protective Order, re: Taking of Defendant's Deposition, and grounds in support thereof, filed.
" 14	-- Hearing on Motion of Defendant for Summary Judgment, Affidavit, and Memorandum in support thereof; Motion of Defendant to Amend Answer, Memorandum in support thereof; Motion of Plaintiff to strike Defendant's Motion to Amend Answer; and Motion of Defendant for Protective Order, Re: Taking of Defendant's Deposition, before Thomsen, C. J.
" "	-- Argued. Ruling reserved by the Court. Further information desired by the Court.
" 20	(20) Transcript of Proceedings before the Court (Thomsen, C.J.) March 11, 1966, filed. (filed separately)
" 25	(21) Affidavit of Richard Helms, Deputy Director of Central Intelligence, filed.
" "	(22) Amended Answer, filed.
" 27	(23) Supplemental Memorandum of Points and Authorities of Plaintiff in Opposition to Defendant's Motion for Summary Judgment, and Exhibits A, B, C and D, filed.
" 28	(24) Claim of Privilege of the Central Intelligence Agency, filed.
" "	(25) Supplemental Memorandum of Defendant in Support of his Motion for Summary Judgment, filed.
" 29	(26) Transcript of Proceedings before the Court (Thomsen, C.J.) on -- Hearing, before Thomsen, C. J., - Deposition of Defendant taken in Open Court.
May 3	(26) Notice of Plaintiff to take deposition of Thomas W. LaVenia, filed
" "	(27) Notice of Plaintiff to take deposition, filed.
" 13	-- Hearing on Motion of Defendant for Summary Judgment before Thomsen, C. J.
" "	-- Argued in-part. Briefs to be submitted.
" "	(28) Affidavit of Elmar Keerd, filed.

(over)

DATE 1966	PROCEEDINGS	Date Ord Judgment
May 13	(29) Affidavit of Alexander Allikas, and Attachment, filed.	
" 16	(30) Transcript of Proceedings before the Court (Thomsen, C. J.) on April 28, 1966, filed. (filed separately)	
" 27	(31) Deposition of Thomas W. LaVenia, taken on behalf of Plaintiff, filed. (Filed separately)	
" 31	(32) Memorandum of Defendant, re: Authority of Central Intelligence Agency, filed.	
July 11	(33) Memorandum Brief of Plaintiff in opposition to Defendant's Motion for Summary Judgment, filed.	
Sept. 28	(34) Transcript of Proceedings before the Court (Thomsen, C. J.) on May 13, 1966, filed.	
" "	(35) Affidavit of Olaf Tammark, filed.	
" "	-- Hearing on Objections of Plaintiff to defendants answers to certain interrogatories; and Re: In camera filing; Motion of defendant to strike amendment to Answer; and Motion of defendant for Summary Judgment.	
" "	-- Argument of counsel re: Motions.	
" "	-- Objections of plaintiffs to defendants answers to certain interrogatories subject to further argument upon the conditions set forth by the Court.	
" "	-- Oral Opinion rendered by the Court, Re: In Camera filing. (See transcript for specific ruling).	
" "	-- Oral Opinion rendered by the Court "denying" Motion of plaintiff to strike Order, dated March 24, 1966, allowing defendant to amend Answer.	
" "	-- Motion of Defendant for Summary Judgment "argued and held sub-curia".	
Oct. 12	(36) Affidavit of Richard Helms, filed.	
" 18	(37) Transcript of Proceedings before the Court, Thomsen, C. J. on September 28, 1966, filed. (filed separately)	
Dec. 8	(38) Opinion of Court (Thomsen, C. J.) directing that Summary Judgment be entered for Defendant herein, filed.	

DATE 1966	FILINGS-PROCEEDINGS	CLERK'S FEES		AMOUNT REPORTED IN EMOLUMENT RETURNS
		PLAINTIFF	DEFENDANT	
9	(39) Order of Court (Thomsen, C.J.) granting Motion of Defendant for Summary Judgment and directing that Judgment be entered in favor of the Defendant against Plaintiff for costs, filed.			
29	(40) Notice of Appeal of Plaintiff, filed. (copy delivered by counsel.)			
"	-- The sum of \$250.00 deposited into the Registry of the Court in lieu of Appeal Bond.			

MEMORANDUM OF THE CLERK

THE SUM OF TWO HUNDRED FIFTY DOLLARS (\$250.00) DEPOSITED
INTO THE REGISTRY OF THE COURT IN LIEU OF APPEAL BOND.

CLERK'S CERTIFICATE

UNITED STATES OF AMERICA,

DISTRICT OF MARYLAND, to wit:

I, WILFRED W. BUTSCHKY, Clerk of the United States District Court for the District of Maryland, do hereby certify that the within jacket contains the Depositions of Thomas W. LaVenia; and, the deposition of Berik Heine (4 volumes), which were entered and filed in the therein entitled case of Berik Heine versus Juri Raus, No. 15952 Civil Docket, in said District Court.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the Seal of said District Court, this _____ day of February, 1967.

WILFRED W. BUTSCHKY
Clerk of said District Court

by

Chief Deputy Clerk of said District Court.

CLERK'S CERTIFICATE

UNITED STATES OF AMERICA,

DISTRICT OF MARYLAND, to wit:

I, WILFRED W. DURACKY, Clerk of the United States District Court for the District of Maryland, do hereby certify that the within jacket contains the Transcript of Proceedings before the Court on March 11, 1966; April 14, 1966; April 28, 1966; May 13, 1966, and, September 23, 1966, which were entered and filed in the therein entitled case of Erik Haine versus Suri Raus, No. 15952 Civil Docket, in said District Court.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the Seal of said District Court, this _____
City of February, 1967.

WILFRED W. DURACKY
Clerk of said District Court

by

Chief Deputy Clerk of said District Court.

CLERK'S CERTIFICATE

UNITED STATES OF AMERICA,

DISTRICT OF MARYLAND, to wit:

I, WILFRED W. DUTSCHKE, Clerk of the United States District Court for the District of Maryland, do hereby certify that the papers enumerated in the foregoing Index are the original papers in the file, and together with two separate packages, (one package) containing the Depositions of Thomas W. LaVenia, and the deposition of Erik Heine (4 volumes); and, (one package) containing the Transcript of Proceedings before the Court on March 11, 1966; April 14, 1966; April 28, 1966; May 13, 1966, and, September 28, 1966, constitute the Record on Appeal in the case of Erik Heine versus Juri Raus, No. 15952 Civil Docket, in said District Court.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the Seal of said District Court, this _____ day of February, 1967.

WILFRED W. DUTSCHKE
Clerk of said District Court

By

Chief Deputy Clerk of said District Court.